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Amendment Under 37 C.F.R. § 1.116
Group Art Unit 1637, Expedited Procedure

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------------------------|---|----------------------|
| In re Application of: |) | |
| | : | Examiner: J. Tung |
| TADASHI OKAMOTO, ET AL. |) | |
| | : | Group Art Unit: 1637 |
| Application No.: 09/764,050 |) | |
| | : | |
| Filed: January 19, 2001 |) | |
| | : | |
| For: DETECTION/QUANTIFICATION |) | |
| OF TARGETED NUCLEOTIDE | : | |
| CHAINS, AND DETECTION/ |) | |
| QUANTIFICATION OF MULTI- | : | |
| FOLD NUCLEOTIDE CHAINS |) | |
| BY FLUORESCENCE | : | April 4, 2003 |

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Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTED OFFICE ACTION

Applicants have received an Office Action dated March 7, 2003, which includes errors for which a corrected Office Action is warranted.

First, although the Office Action indicates that Claims 1 to 26 are rejected, there is no mention of Claim 16 in any of the rejections in the Office Action. M.P.E.P. 707.07(i) provides that "in every office action, each pending claim should be mentioned by number, and its treatment or status given."

Next, rejections under 35 U.S.C. § 103(a) contain inconsistencies, in that the Office Action entered rejections of certain dependent claims over specific cited art, but not the corresponding claims they depend from. In particular, page 4 of the Office Action rejected Claims 18 and 25 under 35 U.S.C. § 103(a) over Sutherland et al., in view of Johann et al., but did not reject Claims 15 and 22 over the same art. Since Claims 18 and 25 depend from Claims 15 and 22, these rejections are inconsistent. Similarly, page 6 of the Office Action rejected Claim 19 under 35 U.S.C. § 103(a) over Sutherland et al., in view of Johann et al., and in further view of Yamamoto et al., but did not reject Claim 16 over the same art. In this instance, Claim 19 depends from Claim 16. The rejection of Claim 19 absent the same rejection of Claim 16 results in the same inconsistency as discussed above.

Additionally, Claim 8 was not rejected over any prior art. However, the Office Action did not indicate whether Claim 8 contained allowable subject matter.

In view of the foregoing, Applicants respectfully request a corrected Office Action. Additionally, it is further requested to reset the period of response to commence from the date the new Office Action is mailed.

Attempts were made to resolve the foregoing in telephone discussions, but did not result in any action on the part of the United States Patent and Trademark Office.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael D. DeFuria".

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